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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,071	03/11/2004	Fred P. Lampropoulos	37621/295.1	8090

69821 7590 06/09/2009  
MERIT MEDICAL SYSTEMS, INC.  
C/O STOEL RIVES, LLP  
ONE UTAH CENTER  
201 SOUTH MAIN STREET -- SUITE 1100  
SALT LAKE CITY, UT 84111

EXAMINER

MENDEZ, MANUEL A

ART UNIT	PAPER NUMBER
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3763

MAIL DATE	DELIVERY MODE
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06/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MERIT MEDICAL SYSTEMS, INC.  
C/O STOEL RIVES, LLP  
ONE UTAH CENTER  
201 SOUTH MAIN STREET -- SUITE 1100  
SALT LAKE CITY UT 84111

In re Application of:  
LAMPROPOULOS, FRED P.  
Serial No. 10/800,071  
Filed: Mar. 11, 2004  
Docket: 37621/295.1  
Title: INTEGRAL FLUSHING DEVICE

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: DECISION ON PETITION  
: UNDER 37 CFR § 1.181  
:  
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This is a decision on the petition, filed May 28, 2009, under 37 CFR 1.181, to withdraw the holding of abandonment. The petition is being considered as a petition pursuant to 37 CFR 1.181(a). No fee is required.

The petition under 37 CFR 1.181 is GRANTED.

The present application was held abandoned for failure to timely respond to the Non-Final Rejection mailed on October 29, 2008 which set forth a three-month period for reply. Notice of abandonment was mailed on May 12, 2009.

Petitioner argues however that a response was electronically filed on April 29, 2009 with a three month extension of time with the USPTO. A search of the application file and the USPTO records reveals that in fact, a response was filed with a three- month extension of time. The receipt date for the response and three-month extension of time is April 29, 2009. Thus the response was timely filed on April 29, 2009.

Accordingly, the Notice of Abandonment mailed May 12, 2009 was mailed in error and is hereby withdrawn. The holding of abandonment is withdrawn. Any inconvenience or delay caused to applicant is regretted. This application is being forwarded to the examiner in Art Unit 3763 for appropriate action.

  
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Donald T. Hajec, Director  
Technology Center 3700